

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

KEITH HUGHES, and COLBY DIGILIO,

Defendants.

4:20CR3083

ORDER

Defendant Digilio has moved to continue the pretrial motion deadline and trial setting, (Filing No. 35), because Defendant needs to consider and decide whether to enter a guilty plea before deciding whether to file pretrial motions. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Gigilio's motion to continue, (Filing No. 35), is granted.
No further continuances will be granted absent a very substantial showing of good cause.
- 2) Pretrial motions and briefs shall be filed on or before October 15, 2021.
- 3) As to both defendants, trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on November 29, 2021, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendants in a speedy trial, and as to both defendants, the additional time arising as a

result of the granting of the motion, the time between today's date and November 29, 2021 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 25th day of August, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge